

The Protecting Our Democracy Act

Reforms to Prevent Presidential Abuses, Restore Checks and Balances, Strengthen Accountability and Transparency, and Protect Elections

On Wednesday, September 23, 2020, House Democrats introduced the *Protecting Our Democracy Act* – a landmark, comprehensive reforms package that will **Prevent Presidential Abuses**, **Restore Our System of Checks and Balances**, **Strengthen Accountability and Transparency**, and **Protect Our Elections**.

Since taking office, Trump has placed his personal, political interests above the national interest. Trump has eroded **transparency** and sought to end **accountability**. Trump has used his authority to **protect** and **enrich** himself and his family and friends, and **target** his opponents. Trump has sought **foreign interference** to help his election. Repeatedly. Trump has **abused** the powers of his office to benefit himself, at great cost to the American people and our democracy.

Trump's ceaseless efforts to undermine the government's ability to serve the American people demonstrate his unfitness for office, and they are a stain on his presidency. They are also a reminder that our democracy is not self-effectuating. Rather, Congress and the American people, in the face of a lawless President, must, at times, take significant steps to strengthen the bedrock of our democracy. These reforms do more than just address the corruption of this president and his Administration. They also restore checks and balances and **accountability**, help root out **corruption**, and ensure **transparency** – for the people.

After the revelations of Watergate and abuses under the Nixon Administration, Congress enacted a series of **landmark laws and reforms** to change the way politics is conducted and to prevent a future president from abusing the power of their office. Those measures have stood the test of time – limits to prevent executive abuses, sweeping reforms to increase transparency and ethics, campaign finance reform, enhanced Congressional oversight, and more. Until now.

Trump has sought to systematically and shamelessly tear down the guardrails designed to protect our democracy and the rule of law. That's why we need new reforms that will restore our system of check and balances. **That is why we must act now.**

Speaker Pelosi directed Committee chairs to write a package of sweeping reforms to ensure that no president can abuse the powers of their office, as Trump has done. The result is the *Protecting Our Democracy Act*. Together, the reforms in this bill reflect our determination to defend our democracy from enemies foreign and domestic, and to ensure that the vision of the Founders lives on for generations to come.

Specifically, the *Protecting Our Democracy Act* will:

Prevent Presidential Abuses:

Prevent Abuse of the Pardon Power: Requires the Department of Justice (DOJ) and White House to provide materials to Congress concerning any self-serving presidential pardon or commutation

in cases involving the President or his/her relatives, contempt of Congress, or obstruction of Congress; clarifies that the President and Vice President are “public officials” and pardons are “official acts” and “things of value” for purposes of the federal bribery statute; and prohibits self-pardons by the President.

Ensure No President is Above the Law: Suspends the statute of limitations for any federal offense committed by a sitting president or vice president, whether it was committed before or during their terms in office, to ensure that presidents and vice presidents can be held accountable for criminal conduct just like every other American and not use their offices as a shield to avoid legal consequences.

Enforce the Foreign and Domestic Emoluments Clauses of the Constitution: Codifies the Constitution’s Foreign and Domestic Emoluments Clauses by prohibiting federal officials from accepting of foreign emoluments without Congress’s consent and prohibiting the President from accepting domestic emoluments; strengthens the process for civil actions brought by Congress for violations of the Foreign Emoluments Clause; enhances financial disclosure requirements related to emoluments; and provides enhanced enforcement mechanisms for Congress and for entities within the Executive Branch.

Restore Our System of Checks and Balances, Strengthen Accountability, and Transparency:

Enforce Congressional Subpoenas: Strengthens Congress’ tools to enforce lawfully-issued subpoenas; codifies a cause of action for Congress to enforce its subpoenas, including those issued to government officials; expedites the judicial process for congressional subpoena enforcement actions; empowers courts to levy fines on government officials who willfully fail to comply with congressional subpoenas; and specifies the manner in which subpoena recipients must comply.

Reassert Congressional Power of the Purse: Strengthens Congress’ power of the purse by enhancing the Impoundment Control Act (ICA), including by adding penalties for failure to comply; increasing transparency and reporting requirements for the Executive Branch; and strengthens congressional budget oversight tools under the ICA and Antideficiency Act (ADA) to prevent federal agencies from misusing federal funds.

Strengthen Congressional Oversight of Presidential Emergency Declarations: Imposes a limit on Presidential declarations of emergencies and any powers triggered by such declarations unless extended by a vote of the Congress; requires the President to provide all Presidential Emergency Action Documents (PEADs) to Congress.

Provide Security from Political Interference in Justice: In order to limit political interference in criminal and civil enforcement matters, requires the Attorney General to maintain a log of certain communications between the Department of Justice (DOJ) and the White House; requires the Attorney General to provide the log to the DOJ Inspector General (DOJ IG) bi-annually; and requires the DOJ IG to report to Congress any inappropriate communications or communications evidencing improper political interference.

Protect Inspector General Independence: Permits only the President or the head of an agency to remove or place on administrative leave any Inspector General (IG), including IGs of the Intelligence Community (IC), and only for cause; clarifies that IGs of the IC have sole authority to determine matters of urgent concern, which include foreign interference in our elections; enhances congressional reporting requirements when an IG is removed; and requires the President to provide to Congress documentation of cause before removing an IG.

Protect Whistleblowers: Enhances protections for federal whistleblowers, including measures to protect the anonymity of whistleblowers; clarifies the right of government employees, including those in the IC, to provide information directly to Congress; creates a private right of action for whistleblowers who are publicly outed by government officials; reauthorizes the Merit Systems Protection Board (MSPB) and provides for whistleblower training for MSPB administrative judges; and limits the conditions under which a government official or employee may disclose a whistleblower's identity or other whistleblower information, including limitations on the sharing of IC whistleblower complaints with persons named as subjects in the complaint.

Provide Accountability for Acting Officials: Makes a series of changes with respect to the appointment, tenure, and qualifications of acting officials of executive agencies; limits the tenure of acting heads of agencies to no more than 120 days.

Strengthen Hatch Act Enforcement and Penalties: Strengthens the Office of Special Counsel's (OSC) ability to investigate violations of the Hatch Act; clarifies that employees of the Executive Office of the President and the Office of the Vice President can be investigated and disciplined for Hatch Act violations; authorizes OSC to issue fines for Hatch Act violations committed by senior political appointees; and increases the maximum fine for Hatch Act violations by senior political appointees to \$50,000.

Protect Our Elections:

Ensure Reporting of Foreign Interference in Elections: Requires that political committees report to the FBI and the Federal Elections Commission (FEC) certain foreign contacts; requires that each political candidate and immediate family member of a candidate notify a designated campaign committee official of certain foreign contacts; requires the FBI to report to the congressional intelligence committees any reporting received pursuant to these provisions.

Prevent Foreign Interference in Elections: Clarifies that the definition of a "thing of value" in the Federal Election Campaign Act prohibition on foreign donations to political campaigns and candidates includes information sought or obtained for political advantage; enhances criminal penalties for violations of such prohibition; requires that political campaigns certify that they understand the prohibition.